

## II. REMARKS

1. Claims 1-52 remain in the application.
2. Applicant notes that this is the sixth non final Office action for this application.
3. Applicant traverses the non-statutory double patenting rejection over US 6,678,361 ("the '361 patent"). The present claims, if allowed, would not improperly extend the right to exclude granted in the '361 patent, the subject matter of the present claims is not disclosed in the '361 patent, and the '361 patent and the present claims do not claim common subject matter.

The present application is directed to implementing a multimedia messaging service between a wireless terminal and a server. A multimedia message addressed to the wireless terminal is stored at the server. Information on at least one property of the wireless terminal is also stored at the server. A determination is made based on the stored information if there is any component of the message which the wireless terminal can handle. If there is any such component, the component is transmitted to the wireless terminal

The present Office Action cites claim 7 of the '361 patent as claiming the same subject matter as claim 1.

Claim 7 of the '361 patent, provided by the Examiner in the action, recites that a multimedia messaging center notifies a terminal upon receipt of a message, the terminal decides how the message should be handled, sends handling instructions to the multimedia center, and the multimedia center handles the message accordingly.

In contrast, claim 1 of the present application recites that a multimedia messaging center receives a message. Based on information stored in the multimedia messaging center, a determination is made as to if there are any components the terminal can handle. Such components are sent to the terminal.

The claims are clearly directed to different subject matter. Claim 7 of the '361 patent recites notifying the terminal upon receipt of a message. There is no such notification in claim 1 of the present invention. Claim 7 clearly recites that the terminal decides how to handle the message and sends instructions to the message center. There is no such decision made by the terminal or instructions sent by the terminal in claim 1. Furthermore, the decisions themselves described in the claims are clearly different and clearly performed by different elements. The terminal in claim 7 decides how to handle the message, while the multimedia center in claim 1 decides if there is a message component that can be handled by the terminal.

Applicant submits that the subject matter of the present application is not at all disclosed in the '361 patent and that claim 1 of the present application is unrelated to claim 7 of the '361 patent.

Applicant requests withdrawal of the double patenting rejection.

4. Applicants respectfully submit that claims 1-13, 15-28, 31, 33-38, and 41-52 are patentable over the combination of Wallentin et al. (US 6,594,238, "Wallentin") and Moore et al. (US 6,216,013, "Moore") under 35 USC 103(a).

The combination of Wallentin and Moore fails to disclose or suggest receiving and storing a multimedia message addressed to the wireless terminal at the server, storing information on at least one property of the wireless terminal in the server, and determining if there is any component of the multimedia message which the wireless terminal can handle according to the stored information on at least one property of the wireless terminal, wherein if there exists one or more such component(s), they are selected for transmission and transmitted to the wireless terminal, all as recited by claim 1.

Claims 19, 35, and 43 recite similar subject matter.

Applicant notes that the present Action cites Wallentin et al. as US 6,772,212, however the attached PTO-892 form cites Wallentin as US 6,594,238. US 6,772,212 is entitled "Audio Visual Server," with inventors Lau et al.

Wallentin (US 6,594,238) is directed to selecting an optimal connection state for a data packet connection. Column 4, lines 10-42, cited by the Examiner, describes a UMTS network that may provide wideband CDMA which "provides wide bandwidth for multimedia services and other high rate demands." (Column 4, lines 39-40) This is the only mention of multimedia in Wallentin. A careful reading of Wallentin finds none of the features of the independent claims of the present invention. There is no disclosure in Wallentin related to receiving and storing multimedia messages, or any of the other features of the present independent claims.

As pointed out in Applicant's previous response, Lau (US 6,772,212) is an invalid reference because its filing date of 8 March 2000 does not precede the priority dates of 5 November and 23 December 1999 of the present application.

Moore is directed to a handset with a rudimentary speech recognition capability and a data transmission capability. Column 3, lines 29-43, and column 9, lines 25-45, cited by the Examiner, describes how the handset identifies input activity (for example, handwriting), codes the activity and transmits it to a remotely executing application. As with the Wallentin and Lau references, a careful reading of Moore finds none of the features of Applicant's independent claims.

Therefore, the combination of Wallentin and Moore fails to render claims 1-13, 15-28, 31, 33-38, and 41-52 unpatentable.

5. Applicants respectfully submit that claims 4, 14, 22, 29, 30, 32, 36, 39, 40, and 45 are patentable over the combination of Wallentin, Moore, and Buckley (US 6,163,809) under 35 USC 103(a).

Buckley fails to disclose or suggest the following features of Applicant's independent claims missing from Wallentin and Moore: determining if there is any component of the

multimedia message which the wireless terminal can handle according to the stored information on at least one property of the wireless terminal, wherein if there exists one or more such component(s), they are selected for transmission and transmitted to the wireless terminal.

Buckley is directed to preserving delivery status notification as a message travels across different networks. Column 14, lines 43-59, cited by the Examiner, describes how delivery status may be conveyed as part of a message. However, there is no disclosure related to determining if there is any component of the multimedia message which the wireless terminal can handle according to at least one property of the wireless terminal stored in the server, and if such a component exists, transmitting it to the wireless terminal, as recited by the present independent claims.

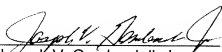
At least for these reasons, the combination of Wallentin, Moore, and Buckley fails to render claims 4, 14, 22, 29, 30, 32, 36, 39, 40, and 45 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

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Respectfully submitted,

  
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